

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

TONY P. COLLINS,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO. 1:07cv279-CSC
)
MICHAEL J. ASTRUE,)
COMMISSIONER OF)
SOCIAL SECURITY,)
)
Defendant.)

ORDER

On March 28, 2008, the plaintiff's attorney filed an application for attorney fees pursuant to the Equal Justice Act, 28 U.S.C. § 2412(d). (Doc. # 22). On April 8, 2008, the plaintiff's attorney filed a second application for attorney's fees. (Doc. # 24). On April 10, 2008, the United States filed a response to the application for attorney's fees motion in which he does not object to the amount of fees requested. However, the defendant objects to payment being made directly to plaintiff's counsel. Also, on April 10, 2008, plaintiff's counsel filed a motion to withdraw her initial motion for attorney's fees (doc. # 22). *See* Doc. # 26.

Upon consideration of the motions and for good cause, it is

ORDERED as follows:

1. That the motion to withdraw the initial application for attorney's fees (doc. # 26) be and is hereby GRANTED.

2. That the plaintiff's application for attorney's fees and expenses (doc. # 24) be and is hereby GRANTED to the extent that the plaintiff be and is hereby AWARDED fees and expenses in the amount of \$3,782.78.

3. To the extent that plaintiff's counsel requests that fees should be awarded to directly to counsel, 28 U.S.C. § 2412(d)(1)(A) authorizes the court to award fees to the prevailing party. *See* 28 U.S.C. § (d)(2)(B). The motion that fees be paid directly to counsel be and is hereby DENIED.

Done this 11th day of April 2008.

/s/Charles S. Coody
CHARLES S. COODY
CHIEF UNITED STATES MAGISTRATE JUDGE